

PATENT
Attorney Docket No. A-65353-6/RFT/RMS/RMK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

MAYO, *et al.*

Serial No. 09/812,034

Filed: March 19, 2001

For: *Apparatus and Method for
Automated Protein Design*

Group No. 1637

Examiner: Kim, Young J.

CERTIFICATE OF MAILING

I hereby certify that this correspondence and enclosures are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on:

Date: _____

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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, **California Institute of Technology**, represents that it is the assignee of the entire right, title, and interest of the instant application, USSN 09/812,034, which claims the benefit of the filing date/or is a continuation/continuation-in-part/divisional of ***and,

(2) so forth for each one that you have to disclaim.

Written assignment proof for Serial No. *****, is recorded in the U.S. Patent and Trademark Office at Reel/Frame *****.

California Institute of Technology hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, California Institute of Technology does not disclaim the terminal part of any patent granted on the instant application, in the event that the patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

The undersigned is empowered to act on behalf of the petitioner/assignee. The undersigned has reviewed the evidentiary documents in the chain of title of the present application identified above, and certifies that, to the best of assignee's knowledge and belief, title is in the assignee, California Institute of Technology.

I, the undersigned, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that willful, false statements may jeopardize the validity/enforceability of the application or any patent issued thereon.

CALIFORNIA INSTITUTE OF TECHNOLOGY

Dated: August 11, 2003

By: _____

Name: _____

Title: _____